

**ELDORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: May 25, 2006

Item No.: 9.a.

Staff: Jason R. Hade

STAFF REPORT - DESIGN REVIEW

FILE NUMBER: DR05-0005/Diamond Springs Retail Center

APPLICANT: Leonard Grado

PROPERTY OWNER: Neil Winstead

REQUEST: Design review for the construction of an 8,628 square foot retail center with a 12-pump fueling station to include the following uses:

- 5,628 square foot retail shop;
- 1,200 square foot fast food restaurant space within the retail shop;
- 3,000 square foot convenience market;
- Drive through automated car wash; and
- Fueling station canopy.

LOCATION: On the north side of Pleasant Valley Road, east of the intersection with State Route 49, in the Diamond Springs area. (Exhibit A)

APN: 054-342-24; -25; -26; and -27 (Exhibit B)

ACREAGE: 6.11 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial – Community Design Review (C-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: This design review application was submitted to Planning Services for review on February 1, 2005, and distributed for comments to a variety of affected agencies. Based on

agency comments received and significant issues identified at the Technical Advisory Committee (TAC) meeting held on April 11, 2005, the project was substantially revised and re-submitted to Planning Services for further review on September 23, 2005.

STAFF ANALYSIS

Project Description: A design review for the construction of an 8,628 square foot retail center with a 12-pump fueling station to include the following uses:

- 5,628 square foot retail shop;
- 1,200 square foot fast food restaurant space within the retail shop;
- 3,000 square foot convenience market;
- Drive through automated car wash; and
- Fueling station canopy.

A tenant directory monument sign and fuel price monument sign are proposed at a height of nine feet with 50.4 square feet of sign area for each sign. The sign plan also includes wall signs for both buildings and gas station canopy signs.

Site Description: The project site lies at an elevation of approximately 1,800 feet. Topography of the property is gently sloping to the south. An inactive hand-dug well and a concrete footing for a small structure are located in the southeastern portion of the property. The northern and western portions of the subject site are densely vegetated with blackberry thicket. Access to the parcel is provided by State Route 49 and Pleasant Valley Road. The project is within the Missouri Flat Master Circulation and Funding Plan area.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C-DC	C	Undeveloped
North	C-DC	C	Residential structures
South	CP	C	Commercial structures
East	C-DC/R1A	C	Undeveloped
West	CP	C	Residential structures

General Plan: The General Plan designates the subject site as Commercial (C). This designation permits a full range of commercial retail, office, and services uses including the proposed use. The following General Plan policies apply to this project:

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with

existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion: As discussed above, the subject site is surrounded by a mix of existing commercial and residential uses. The project site is located adjacent to State Route 49 as well as the planned Missouri Flat Connector which is included in the Department of Transportation's five-year Capital Improvement Program. As such, the proposed fueling station/retail use fits well with the context of the surrounding area.

Policy TC-4i: Within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible. In Rural Regions, pedestrian/bike paths shall be considered as appropriate.

Discussion: Prior to building occupancy, the applicant shall install bicycle storage racks pursuant to the above-referenced General Plan policy. Sidewalks are included as part of the frontage improvements to facilitate pedestrian access.

Policy 7.3.3.4: For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Discussion: As discussed in the prepared environmental document, a wetlands delineation study was conducted and verified by the U.S. Army Corps of Engineers stating that 0.14 acres of waters of the United States is located at the subject site. In order to mitigate the loss of wetlands, because of the proposed project, the applicant has agreed to purchase 0.11 credits of seasonal wetlands and 0.03 acres of open water intermittent drainage at a Corps approved wetland mitigation bank prior to building permit issuance. The proposed activity is subject to the issuance of Nationwide Permit Number 39 under the U.S. Army Corps of Engineers.

Policy 7.5.1.3: Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California, Berkeley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.

Discussion: The applicant submitted a *Cultural Resources Overview for a Property in Diamond Springs El Dorado County, California* prepared by Peak & Associates, Inc. on December 19, 2003. The following conclusions were reached in the cultural resources study: 1) There is nothing in the literature that suggests any ceremonial practice or association with traditional beliefs of the Nisenan people for the spring; 2) It is possible that *mo-lek'epakan* is a place name that the town of Diamond Springs was known by to the Nisenan people of the region. It does not appear to be the name of a village, nor is it applied to any specific spring. The town of Diamond Springs contains a number of springs; 3) The named spring is attributed by only one Native American individual to this property, and no specific cultural practice or tradition was mentioned in connection with this. It is not associated with the cultural practices or beliefs of a living community; 4) There is no evidence of a continuing visitation or use of the site by local Native Americans. The Morabe family ownership of the land somewhat controlled access to the site, and there is no record of anyone seeking to visit the site for any purpose; 5) Mr. Peabody's identification of the spring, unsupported by evidence, as a named site in the local newspaper may have contributed to an assumption by local residents that this is in fact the known location of Morningstar's spring; and 6) There is no physical evidence of Native American use of the spring, with a complete survey of the property yielding no evidence of Native American use or occupation of the property. Furthermore, the Miwok Tribe of the El Dorado Rancheria submitted a letter to Mr. Peabody requesting that he cease his actions against Leonard Grado (applicant) as they have made arrangements with Leonard Grado for his support in acquiring the adjacent site which has visible bedrock mortars still in existence.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning: The subject site is zoned Commercial (C) which permits the proposed use subject to design review approval (Sections 17.32.130 through 17.32.160 of County Code). The project also requires design review for consideration by the Planning Commission pursuant to Section 17.14.130. In order to meet the required development standards of the Commercial Zone District, specifically setbacks, the applicant shall submit a boundary line adjustment application as outlined in Condition 54. Such application shall be submitted to Planning Services for review and approval prior to the issuance of a building permit.

Other Design Issues:

The subject property is within a defined Design Review District. As such, Section 17.74.040 (C) of County Code requires compliance with the design guidelines contained in the *Community Design Guide*. The *Community Design Guide* contains the following guidelines which are applicable to the proposed project:

Site Planning (*Community Design Guide, Page 6*):

Suitability – A project should be designed to fit the existing site, rather than alter the site to accommodate a stock plan.

Discussion: Although the subject site has several design constraints relating to wetlands and traffic/access issues, the project has been re-designed to effectively address significant issues raised by the Department of Transportation and Caltrans in reviewing the original project submittal.

Open Space – Natural features and views should be maintained and protected through use of adequate open space.

Discussion: As indicated on the site plan (Exhibit E), 79.9 percent of the site will be covered with impervious surface consistent with the 85 percent maximum impervious surface requirement of the General Plan Commercial land use designation. A floor area ratio of 13.4 percent is indicated on the site plan as well. This staff report was prepared prior to the Board of Supervisors adopting Resolution No. 061-2006 on March 7, 2006, deleting the maximum impervious surface percentage standards.

Parking Areas – Screen parking areas from public ways and divide them up with landscaping, walls, fences, berms and other means.

Discussion: A preliminary landscaping plan (Exhibit G) was submitted consistent with Section 17.18.090 of the Zoning Ordinance. Sufficient landscaping is proposed as a buffer along State Route 49 and the patio area.

Lighting – Exterior lighting shall be subdued and avoid creating glare for occupants or neighboring properties. Lighting should enhance the building design and landscaping as well as provide for safety and security.

Discussion: All proposed exterior lighting shown on the site plan must conform to the provisions of Section 17.14.170 of County Code. Mitigation measures are included in the prepared mitigated negative declaration to reduce the project's lighting impacts on the surrounding properties and roadways.

Trash and other service areas – Locate trash enclosures and loading docks away from public streets and store entrances and screen them. Screens should be durable and an integral part of the overall structural design.

Discussion: Two trash enclosure areas are proposed to serve the project, screened by six-foot tall solid block walls. Additionally, landscaping will further screen the trash enclosure located nearest State Route 49.

Building Design (*Community Design Guide, Page 7*):

Harmony – Different structures and parts of structures should harmonize with each other and the neighborhood.

Discussion: The proposed convenience market, retail shops, car wash, and gas station canopy will include a stucco finish with river rock veneer as indicated in the project elevations attached as Exhibit F. The proposed retail buildings are to feature a dark bronze anodized aluminum storefront with bronze tinted glazing.

Materials – Use materials honestly. Simulated wood or masonry, for example, generally is not acceptable.

Discussion: As discussed above, primary exterior finish materials will be stucco finish with river rock veneer. The gas station canopy and building roofs will be comprised of architectural grade asphalt shingles.

Finishes, Textures and Colors – Exterior treatment should be subdued and restrained. Treatment should aim at durability and ease of maintenance as well as initial beauty. Large building masses should be broken with architectural details, varied roof-lines, and different windows and window treatments.

Discussion: The size and type of materials to be utilized in the construction of the proposed structures is consistent with surrounding commercial projects within the project vicinity. Additionally, all structures, including the gas station canopy, have been designed in a manner which makes them internally consistent. Proposed project colors include earth-tones accented by dark tan and bronze trim.

Mechanical Equipment and Utilities – Design service equipment, including meter boxes as part of the structure, and provide screening for them.

Discussion: All required utilities and trash enclosures will be screened and shielded from public.

Access and Parking: The submitted site plan was reviewed to verify compliance with on-site parking requirements within the Zoning Ordinance. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. Parking requirements for retail use (general merchandising not in a shopping center) are one space per 300 square feet of gross floor area. Parking requirements for fast food (with drive-up/drive through windows) are one space per three fixed seats or equivalent occupancy plus three spaces per drive-up window. The proposed project includes 7,456 square feet of retail space and a 1,200 square foot fast food restaurant with no drive-up/drive-through window with approximately 40 fixed seats. Utilizing the parking standards discussed above, the project requires a minimum of 38 parking spaces. As submitted, the site plan indicates a total of 50 parking spaces, three of which are identified as van accessible handicapped parking spaces. Ten parking spaces are identified as compact parking spaces and the required recreational vehicle space is also shown on the submitted site plan. As proposed, the project meets the minimum parking requirements for retail and fast food restaurant uses.

Three access driveways will be provided for the site: one to State Route 49; one to Pleasant Valley Road, and one to the frontage road to the north of the site. State Route 49 access is subject to the issuance of an encroachment permit from the California Department of Transportation (Caltrans). In addition to the level of service analysis conducted, a queuing analysis was completed for each of the

driveway accesses to determine the number of vehicles that could be queued entering and exiting the site. According to the analysis, “the queues at this location show that only one vehicle is expected to queue for traffic entering or exiting the site at each of the project access intersections” (*Traffic Impact Analysis for the Diamond Springs Retail Center State Route 49/Pleasant Valley Road, El Dorado County, California*, kdANDERSON Transportation Engineers, July 23, 2004, and revised June 7, 2005). Minimal waiting is expected along either State Route 49 or Pleasant Valley Road, as the vehicle queue is less than one vehicle. As requested by Caltrans, site egress to State Route 49 will be restricted to “right turns only” through project signage and the construction of a raised median from the intersection of State Route 49 and Pleasant Valley Road to approximately 85 feet from the proposed exit point onto State Route 49. Caltrans, the El Dorado County Department of Transportation, and the Diamond Springs – El Dorado Fire Protection District reviewed the site plan and had no further concerns or suggested revisions.

Landscaping: As discussed above, a preliminary landscaping plan (Exhibit G) was submitted consistent with Section 17.18.090 of the Zoning Ordinance. Sufficient landscaping is proposed as a buffer along State Route 49 and the patio area. A final landscape plan shall be submitted prior to building permit issuance.

Signs: The Commercial (C) Zone District allows the following sign sizes by right:

- One 50-foot tall (or less) freestanding pole or monument sign with 80 square feet of sign message area; or
- Two 50-foot tall (or less) free standing pole or monument signs each with 50 square feet of sign message area.
- Wall signs are limited to 20 percent of the total wall area on which the sign(s) are located, and are limited to two such signs per building.

The applicant has submitted a sign request (Exhibit H) to allow the following signage:

- A tenant directory monument sign and illuminated fuel price monument sign are proposed at a height of nine feet with 50.4 square feet of sign area for each sign. The submitted sign plan also includes gas station canopy signage and building signage not to exceed 20 percent of the total wall area on which the signs are located. The “drive-thru menu” sign shown on the sign plan shall be excluded from the approved sign plan and submitted at a future date as a design review revision. Also, the sign display area for each of the two proposed monument signs shall be reduced by 0.4 square feet to a maximum of 50 square feet.

As revised, this request is consistent with what is allowed by right in the Commercial Zone District.

The *Community Design Guide* contains the following design recommendations relating to signs:

Signs (*Community Design Guide*, Page 7):

Design Compatibility – Signs, their materials, size, color, lettering, location and arrangement, should be an integral part of the site and building design and compatible with their surroundings.

Discussion: The proposed monument signs adjacent to State Route 49 are consistent in size, height, and materials with the signs located on other commercial properties within the Diamond Springs area. Proposed sign materials include river rock base for the monument signs to match the materials utilized for the retail structures and gas station canopy on site.

Consistency – Keep signs consistent in location and design throughout a development.

Discussion: Two monument signs are proposed as part of the commercial development. The signs are consistent with the proposed building materials and colors as outlined above.

Restraint – Signing should be simple, restrained and subordinate to the overall project design. A sign ought to attract and identify, but not dominate the site.

Discussion: The proposed monument signs and building signage are subordinate to the overall project design and will adequately identify the proposed building tenants.

Types – Wall signs, graphic symbol signs, and low profile free-standing signs are encouraged. Flashing, moving and rotating signs are prohibited by County ordinance.

Discussion: The proposed sign plan includes low-lying monument signs and wall signs that do not incorporate any flashing or moving parts.

Other Issues:

Patio Occupancy: The outdoor dining area within the proposed patio shall be limited to a maximum of 20 fixed seats to avoid overly congested pedestrian areas and enhance internal site circulation.

Missouri Flat Connector: The Department of Transportation (DOT) has programmed the Missouri Flat Connector in the five-year Capital Improvement Program to be constructed to terminate at the current intersection of Pleasant Valley Road and State Route 49. For this reason, DOT has conditioned the project so that all parking areas and buildings are set back for the future right-of-way widening of Pleasant Valley Road and State Route 49 along the frontage of the project to the future right-of-way width as determined by DOT. No permanent facilities are to be constructed within the future Missouri Flat Connector alignment right-of-way.

Future Site Development: During the project review process, the applicant indicated a desire to construct a drive-through as a future component of the planned fast-food restaurant upon the relinquishment of the former State Route 49 alignment adjacent to the subject site to El Dorado County and ultimately to the respective property owners adjacent to the former road alignment. The timeline for this action occurring is not known at this time. However, a drive-through proposal will require a major design review revision application be processed through Planning Services with

Planning Commission approval. Such a revision will require further environmental review under CEQA for issues such as traffic and circulation/access impacts, air quality impacts, and increased project signage.

Agency and Public Comments: The following agencies provided comments on this application:

Air Quality Management District (AQMD): The District reviewed the submitted air quality analysis performed by North Fork Associates and concurs with the mitigation measures discussed in the study and included in the prepared environmental document.

California Department of Transportation (Caltrans): Caltrans reviewed the project site plan and requested several project revisions including construction of a raised median along a portion of the project frontage to State Route 49, left turn lane width and distance modifications, and the removal of Detail 39 and 39A as no portion of State Route 49 in the project vicinity is designated as a bike lane. Caltrans later submitted revised project comments deferring to El Dorado County standards in the elimination of proposed southerly driveway along State Route 49 pursuant to El Dorado County Department of Transportation Standard 109. The applicant prepared a revised site plan based on project comments discussed above from both Caltrans and El Dorado County Department of Transportation.

California Regional Water Quality Control Board – Central Valley Region: The California Regional Water Quality Control Board – Central Valley Region submitted project comments pertaining to storm water discharges associated with construction activities, post construction storm water management, wetlands, and obtaining a dewatering permit and storm water discharges related to industrial activities. The issues raised above are considered in the conditions of approval.

Diamond Springs – El Dorado Fire Protection District: All Fire District project concerns, including site access, sprinkler system installation, fire hydrant placement, and fire code compliance are addressed within the conditions of approval.

El Dorado County Department of Transportation: The Department of Transportation reviewed the proposal and proposed conditions regarding annexation into Community Facilities District Number 2002-01 (Missouri Flat CFD), future Missouri Flat Connector right-of-way preservation, boundary line adjustment, improvement plan approval, and frontage improvement construction. All Department of Transportation issues are addressed within the attached conditions of approval.

El Dorado County Resource Conservation District: The Resource Conservation District submitted project comments concerning management of exported topsoil, accelerated rates or erosion, and the presence of wetland resources at the subject site. The District will address the implementation of erosion and sediment control measures prior to building permit issuance. A mitigation measure has been developed to address the wetlands issue raised, as discussed above.

El Dorado Irrigation District (EID): EID prepared a Facility Improvement Letter for the above-referenced project dated February 24, 2005, addressing District water and sewer facility requirements.

Environmental Management Department: The Environmental Management Department, Environmental Health Division, reviewed the project and proposed several conditions regarding compliance with the California Health and Safety Code – California Uniform Retail Food Facilities Law, solid waste enclosures and grease trap/sand trap requirements.

Environmental Management Department – Solid Waste and Hazardous Materials: All solid waste and hazardous materials issues concerning the proposed project, including the submittal of a hazardous materials business/hazardous waste generator management plan, are addressed within the conditions of approval.

Miwok Tribe of the El Dorado Rancheria: The Miwok Tribe of the El Dorado Rancheria submitted project comments (attached as Exhibit I) directed to Mr. George Peabody regarding the Morningstar Springs site in Diamond Springs and his efforts to identify and preserve such site. The letter outlines an arrangement made with the applicant to acquire a portion of the adjacent site which has visible bedrock mortars and requests that Mr. Peabody “cease [his] actions against Mr. Grado.”

Mr. George Peabody: Mr. Peabody submitted numerous project comments (attached as Exhibit J) requesting the denial of the application because of cultural resource and wetlands concerns. The issues raised by Mr. Peabody are addressed within the General Plan section of this staff report and prepared mitigated negative declaration.

Pacific Gas and Electric Company (PG&E): PG&E reviewed the proposal and had no comments.

At the time of the preparation of this report, staff had not received any comments from the public other than those submitted by the Miwok Tribe of the El Dorado Rancheria and Mr. Peabody. However, new issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached as Exhibit L) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on aesthetics, air quality, biological resources, cultural resources, hydrology/water quality, noise, and utilities/service systems. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,285.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$35.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State’s fish and wildlife resources.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval in Attachment 1; and
3. Approve Design Review DR05-0005 based on the findings in Attachment 2, subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Mitigation Measures and Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BAssessor's Parcel Map
Exhibit CGeneral Plan Land Use Map
Exhibit DZoning Map
Exhibit ESite Plan
Exhibit FProject Elevations
Exhibit GPreliminary Landscaping Plan
Exhibit HPreliminary Sign Plan
Exhibit IMiwok Tribe of the El Dorado Rancheria Comments
Exhibit JMr. George Peabody Project Comments
Exhibit KTentative Lot Line Adjustment Map
Exhibit LEnvironmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER DR05-0005

Development Services Department - Planning Services

1. This design review approval is based upon and limited to compliance with the project description, dated May 25, 2006, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows: A design review for the construction of an 8,628 square foot retail center with a 12-pump fueling station to include the following uses:

- 5,628 square foot retail shop;
- 1,200 square foot fast food restaurant space within the retail shop;
- 3,000 square foot convenience market;
- Drive through automated car wash; and
- Fueling station canopy.

A tenant directory monument sign and fuel price monument sign are proposed at a height of nine feet with 50 square feet of sign area for each sign. The sign plan also includes wall signs for both buildings and gas station canopy signs.

MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. Parking lot and any outdoor security lighting shall be side and top shielded to prevent any light or glare from leaking onto adjacent properties or roadways (street lights for illumination of public roads are excluded from this provision).

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and subject to final inspection prior to building occupancy.

3. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

4. No outdoor floodlights shall project above 20 degrees below the horizontal plan.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

5. Parking lot standards (poles) shall not exceed 25 feet in height above grade.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

6. All lighting under the gas station canopy shall be recessed and shall not protrude beyond the bottom surface to be illuminated.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

7. All lighting shall be fully shielded pursuant to IESNA full cut-off designation.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

8. The proposed project shall comply with all applicable National, State, and local rules and regulations pertaining to Toxic Air Contaminates (TACs) and fueling stations, specifically Rule IX, Section A relating to benzene emissions.

Monitoring: The Air Quality Management District shall ensure compliance with applicable regulations pertaining to Toxic Air Contaminates (TACs) and fueling stations.

9. A health risk assessment shall be prepared for point sources that have the potential to emit toxic air contaminants. Resultant health risks from toxic air contaminants shall not exceed the State of California thresholds for cancer and non-cancer risks.

Monitoring: Prior to building permit issuance, the project applicant shall apply for an Authority to Construct and Permit to Operate from the El Dorado County Air Quality Management District for any major on-site point source emissions in accordance with

existing El Dorado AQMD rules and regulations.

10. Water exposed areas at least two times daily.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

11. Cover all soil stockpiles with tarps.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

12. Water haul routes at least two times daily.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

13. Reduce speeds on unpaved roads to 15 mph or less.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

14. Require the prime contractor to provide an approved plan demonstrating that heavy-duty equipment (50 horsepower or greater) will achieve, at a minimum, a fleet-averaged 20 percent reduction in NO_x compared to the most California Air Resources Board fleet average. Successful implementation of this measure requires the prime contractor to submit a comprehensive inventory of all the heavy-duty off-road construction equipment that will be used an aggregate of 40 or more hours during the construction project. Usually the inventory includes the horsepower rating, engine production year, and hours of use or fuel throughput for each unit of equipment. In addition, the inventory list is updated and submitted monthly throughout the duration of construction activity.

Monitoring: Prior to building permit issuance, a fleet inventory shall be submitted to the Air Quality Management District for review and approval as outlined above.

15. Maintain all construction equipment according to manufacturer's recommendations.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

16. Clean earth moving equipment with water once daily.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

17. Wet broom or wash streets so that no silt is carried over to adjacent public thoroughfares.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

18. Suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

19. Minimize construction equipment idling time to 10 minutes.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

20. Employ construction activity management techniques, such as: extending the construction period outside the ozone season of May through October; reducing or eliminating construction hours on designated Spare the Air days; reducing the number of pieces used simultaneously; increasing the distance between emission sources; reducing or changing the hours of construction; and scheduling activity during off-peak hours.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

21. Provide a flag person to guide traffic properly and ensure the safety at construction sites.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

22. Schedule operations that may result in general traffic congestion for off-peak hours.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

23. District Rule 223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan for the proposed project.

24. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire. (Rule 300)

Monitoring: Prior to the burning of wastes for “land development clearing,” the Air Quality Management District shall review and permit such activity.

25. Project construction involving the application of architectural coating shall adhere to District Rule 215 regarding Architectural Coatings.

Monitoring: The Air Quality Management District shall ensure adherence to Rule 215 during the construction process.

26. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. fueling dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the Air Quality Management District. Submittal of applications shall include facility diagrams(s), equipment specifications, and emission factors.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve any applications for new point source emission units or non-permitted emission units.

27. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and county ordinance concerning asbestos dust.

Monitoring: The Air Quality Management District shall ensure compliance with District Rule 224 prior to and during project construction.

28. Prior to building permit issuance, the applicant shall obtain a Nationwide Permit Number 39 for the proposed activity from the U.S. Army Corps of Engineers to include: 1) to document pre- and post-project construction conditions, the applicant shall submit pre-construction photos of the project site prior to project implementation and post- construction photos of the project site within 30 days after project completion; 2) to ensure the project complies with the Federal Endangered Species Act, the applicant must implement all of the mitigating measures identified in the Fish and Wildlife Service letter of concurrence dated July 18, 2003; 3) to mitigate for the loss of 0.14 acres of waters of the United States, the applicant shall purchase 0.11 credits of seasonal wetlands and 0.03 acres of open water intermittent drainage at a Corps approved wetland mitigation bank. The selected mitigation bank shall include the area of the permitted project within its service area. Evidence of this purchase shall be provided to the U.S. Army Corps of Engineers prior to proceeding with any activity otherwise authorized by this permit; 4) A signed Compliance Certification form shall be submitted by the applicant to the U.S. Army Corps of Engineers within 30 days after completion of the authorized work.

Monitoring: Written evidence of satisfaction of all U.S. Army Corps of Engineers permit requirements shall be provided to the Development Services Department prior to final building occupancy issuance.

29. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed necessary, DOT shall issue a stop work order upon the discovery of any item of historical or archaeological interest and only allow grading activities to continue once the issue has been resolved.

30. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed necessary, DOT shall issue a stop work order upon the discovery of any human remains on the project site and only allow grading activities to continue once the issue has been resolved.

31. The applicant shall complete and submit an erosion control plan for review and approval to the El Dorado County Resource Conservation District and El Dorado County Department of Transportation prior to any grading or earth disturbance commencing on the project site.

Monitoring: Prior to building permit issuance, the applicant shall submit an erosion control plan to the El Dorado County Resource Conservation District and El Dorado County Department of Transportation for review and approval.

32. The erosion control plan shall contain a revegetation plan designed to stabilize all disturbed and graded areas, which will not otherwise be protected. All areas where grading has been completed between May 1 and October 15 of any calendar year shall be planted by November of that same year, unless otherwise recommended by the Soil Conservation Service. Grading completed from October 15 to May 1 shall be planted within 15 days of completion of the grading.

Monitoring: The El Dorado County Resource Conservation District shall monitor project erosion control prior to and during project construction.

33. The erosion control plan shall be designed to prevent increased discharge of sediment from the site at all stages of grading and development from the initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization and erosion control implemented on the site are permanent.

Monitoring: The El Dorado County Resource Conservation District shall monitor project erosion control prior to and during project construction.

34. The erosion control plan shall provide for the inspection, cleaning, and repair of all erosion and sediment control facilities at the close of each working day during all site grading and construction activities and during the rainy season following the completing of site grading.

Monitoring: The El Dorado County Resource Conservation District shall monitor project erosion control prior to and during project construction.

35. All stormwater and sediment containment systems included within the erosion control plan shall be designed by a Civil Engineer, Geotechnical Engineer, Engineering Geologist, or other licensed professional involved in the preparation of a grading plan.

Monitoring: The El Dorado County Department of Transportation shall monitor project grading prior to and during project construction.

36. A civil engineer shall verify the structural and hydraulic adequacy of all stormwater containment or conveyance facilities included in the erosion control plan and shall so attest by stamping the plans. Sufficient calculations and supporting materials to demonstrate the structural and hydraulic adequacy of all storm water containment or conveyance facilities shall accompany the submittal of the erosion control plan prior to any grading or earth disturbance on the property.

Monitoring: The El Dorado County Resource Conservation District and El Dorado County Department of Transportation shall approve the erosion control plan prior to grading permit issuance.

37. Grading and construction activities on the site shall be limited to daylight hours from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. No construction or grading activities shall take place on Sundays or holidays.

Monitoring: The Department of Transportation shall investigate any noise complaints received regarding the occurrence of grading and construction activities in violation of the mitigation measure discussed above.

38. Only equipment with properly maintained mufflers shall be used during construction.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment maintenance during project construction.

39. Construction equipment shall not idle on the property (construction site) when not in active use. All compressors and other equipment will be located as far as possible from the northern and eastern property lines of the project parcel.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment use and potential air quality impacts during project construction.

40. The applicant shall install catch basins and/or other surface drainage system Best Management Practice (BMP) surface water quality management systems within the proposed parking lot area to reduce storm water runoff water quality impacts. The property owner(s) shall be responsible for the maintenance of any installed catch basin or filter systems. As another BMP, the property owner(s) shall perform parking lot sweeping prior to the first storm event of the season. The El Dorado County Department of Transportation shall review and approve all plans for catch basins and other proposed BMP measures on the site prior to the issuance of a commercial grading permit.

Monitoring: Prior to the issuance of a commercial grading permit, the Department of Transportation shall review and approve all plans for catch basins and other proposed BMP measures on the project site.

41. Prior to final building occupancy, the applicant shall execute an extension of facilities agreement with the El Dorado Irrigation District to provide water service for the subject site.

Monitoring: Prior to final building occupancy, written evidence of the execution of the required El Dorado Irrigation District agreement discussed above shall be provided to the Development Services Department.

PROJECT SPECIFIC CONDITIONS OF APPROVAL

42. All site improvements, building locations, building orientations, and materials shall comply with the approved site plans. The approved site plans shall consist of Exhibits E, F, G, and H, as attached. All buildings on the site shall be architecturally consistent. Changes not to exceed 10 percent of the square footage of buildings, minor location changes, and architectural feature changes may be approved by the Development Services Department Director or designee. Major changes in building sizes or features will require an amendment to the approved design review application.
43. All outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
44. The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services prior to issuance of a building permit. All landscape

plans must be consistent with El Dorado County water conservation concept statement standards.

45. Prior to building occupancy, the applicant shall install bicycle storage racks at the subject site.
46. The outdoor dining area within the patio shall be limited to a maximum of 20 fixed seats during project operation.
47. The sign plan (Exhibit H) shall exclude the “drive-thru menu” denoted as “D” on the submitted plan. Any additional proposed project signage shall be subject to the submittal of a design review revision application.

California Department of Transportation

48. Prior to building permit issuance, Caltrans shall review and approve any site plan modifications or traffic study revisions.

California Regional Water Quality Control Board – Central Valley Region

49. Prior to commencing project construction, the applicant shall obtain all required permits from the California Regional Water Quality Control Board – Central Valley Region, including, but not limited to, a NPDES general permit for storm water discharges associated with construction activities and 401 water quality certification, as determined necessary by the California Regional Water Quality Control Board – Central Valley Region. Written evidence confirming that such permits have been obtained shall be submitted to Planning Services prior to building permit issuance.

Diamond Springs – El Dorado Fire Protection District

50. Placement of fire lanes and hydrants at the project site is subject to Fire District approval and shall be installed prior to building permit issuance.
51. Prior to final building occupancy, a sprinkler system and knox box shall be installed pursuant to Fire District requirements.

El Dorado County Department of Transportation

52. Prior to issuance of any building permits for any portion of this project, the owner shall enter into an agreement in recordable form with the County that obligates the property to participate in and annex into the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property’s title and bind all future assignees and/or

successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner for subject application voted in favor of being annexed, and the annexation election is successful.

53. The applicant shall set back buildings and parking for the future right of way widening of Pleasant Valley Road and Route 49 along the frontage of the project to the future right-of-way width as provided by the Department of Transportation. No permanent facilities, (including underground fueling tanks) shall be placed in that future right of way.
54. The applicant shall record a boundary line adjustment to make the project one parcel of record under Assessor's Parcel Numbers 054-342-26 and 054-342-27 and to make Assessor's Parcel Numbers 054-342-24 and 054-342-25 one parcel of record on the westerly side of Route 49, substantially consistent with Exhibit K, prior to issuance of any permits.
55. The applicant shall secure approval of improvement plans and enter into a road improvement agreement (RIA) with the County prior to performing any work within the County right-of-way, including:
 - a. Obtain an encroachment for a Standard Plan 103D driveway on Pleasant Valley Road, and enter into a reciprocal easement with the adjacent property owner for that driveway entrance. The driveway should be extended northerly along Old Diamond Road with a "throat" length of at least 30 feet, per Tables 7-8 and 31 of the ITE manual Transportation and Land Planning, preventing backup onto Pleasant Valley Road. The driveway from Pleasant Valley Road will be limited to right-turn-in-and-out at the time Pleasant Valley Road is widened to allow for additional lanes.
 - b. Construction of a four foot wide sidewalk along the project frontage, connected to the existing pedestrian ramp at the corner, prior to or concurrent with the application for the grading permit for the onsite work. The plans for this encroachment shall be approved by the County prior to commencement of the onsite grading. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
56. The applicant shall secure approval of improvement plans and obtain an encroachment permit from Caltrans for:
 - a. Construction of a right-in-right-out only driveway on Route 49, including a right turn lane into the project and an acceleration lane out of the project, and to construct a centerline median on Route 49 to prevent left turns into or out of that driveway. That median shall extend from the existing access road into the Old Diamond Road, at the northerly end of the project, to the crosswalk at the intersection of Pleasant Valley Road. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.

- b. Construction of a left turn lane for southbound traffic on Route 49 turning into the existing access road into the Old Diamond Road, at the northerly end of the project. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
 - c. Improvement plans shall include: a right-of-way exhibit (to tie the road centerlines into existing record monumentation enabling location of improvements); signing and striping plans; and, construction traffic management plans
57. No signs shall be placed in the right-of-way, and any site signs shall not interfere with sight distances. Sight distance triangles shall be shown on the plan view of the improvement plans, and the sight distance profile shall be included on the improvement plans.

Environmental Management Department – Environmental Health Division

58. The commercial kitchen shall meet the requirements of the California Health and Safety Code-California Uniform Retail Food Facilities Law. Prior to building permit issuance, facility plans and permit application shall be submitted to the El Dorado County Environmental Management Department – Environmental Health Division for review and approval.

Environmental Management Department – Hazardous Materials Division

59. Prior to building permit issuance, the applicant shall prepare and submit a hazardous materials business/hazardous waste generator management plan for the site to include hazardous materials and hazardous waste handling and storage to the Environmental Management Department – Hazardous Materials Division for review and approval along with all applicable fees.

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ATTACHMENT 2 FINDINGS

FILE NUMBER DR05-0005

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 Design Review DR05-0005 consist of the construction of a 12-pump fueling station with an 8,628 square foot retail center to include: 5,628 square foot retail shop; 1,200 square foot fast food restaurant within the retail shop; 3,000 square foot convenience market; drive through automated car wash; and fueling station canopy. A tenant directory monument sign and fuel price monument sign are to be constructed at a height of nine feet with 50.4 square feet of sign area for each sign. The sign plan also includes wall signage for both buildings and gas station canopy signs.

The design review shall only be approved or conditionally approved if all of the following findings are made:

- 2.1.1 **The proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.**

The use is found to be consistent with the uses permitted within the Commercial Zone District 17.32.020 and is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study. Through the project review process, issues pertaining to outdoor lighting, access and circulation, parking, landscaping, wetland setbacks and land use compatibility were identified and addressed with the project's mitigation measures and conditions of approval. Although several agency and community concerns regarding access and circulation and cultural resources at the subject site were raised during the project review stages, these issues were addressed in subsequent site plan revisions and cultural resource studies. The subject site is surrounded by a mix of existing commercial and residential uses and is located adjacent to State Route 49 as well as the planned Missouri Flat Connector which is included in the Department of Transportation's five-year Capital Improvement Program. As such, the proposed fueling station/retail use fits well with the context of the surrounding area.

2.2.2 The proposed use is consistent with the policies in the El Dorado County General Plan.

The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The General Plan designates the parcel as Commercial (C) which permits a wide range of commercial uses, including the proposed fueling station and retail use. The subject site is zoned Commercial (C) which permits the proposed use under Section 17.32.020. As proposed and conditioned, the project meets all applicable development standards contained within Section 17.32.040 of the *El Dorado County Zoning Ordinance*.

2.2.3 Avoidance and minimization of the wetlands at the subject site, as identified in the U.S. Army Corps of Engineers verified wetland delineation study is infeasible.

Pursuant to General Plan Policy 7.3.3.4, the County shall apply a minimum setback of 50 feet from intermittent streams and wetlands such as those located in a portion of the project site. However, as documented in the Initial Study, the applicant has agreed to participate in an approved wetlands bank mitigation program through the U.S. Army Corps of Engineers to mitigate for the loss of 0.14 acres of waters of the United States. By purchasing 0.11 credits of seasonal wetlands and 0.03 acres of open water intermittent drainage at a Corps approved wetland mitigation bank, the impacts to the identified wetlands are mitigated. Avoidance of the identified wetlands at the subject site would effectively deny the applicant reasonable commercial use of the site.

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